

Entered -03-29-00 - sb
CL 00L0190 - GWENDOLYN BURNS

CLAIM OF:

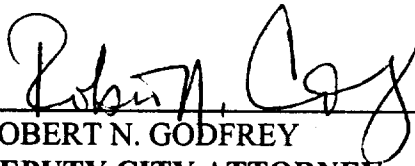
01- R-1629

JOHNNY BARNES
through his attorney,
D. Kevin Wheeler, Esq.
WHEELER & WATSON, P.C.
5180 Roswell Road
South Building, Suite 203
Atlanta, Georgia 30342

For bodily injuries alleged to have been sustained when the vehicle in which he traveled in was driven over a sanitary sewer construction site that was not properly covered in the roadway on September 25, 1999 at 934 Custer Avenue, SE.

THIS ADVERSED REPORT IS
APPROVED

BY:



ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0190

Date: September 25, 2001

Claimant /Victim JOHNNY BARNES
BY: (Atty) (Ins. Co.) D. Kevin Wheeler, Esq., WHEELER & WATSON, P.C.
Address: 5180 Roswell Road, South Building, Suite 203, Atlanta, Georgia 30342
Subrogation: Claim for Property damage \$ Bodily Injury \$ 100,000.00
Date of Notice: 3/23/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/25/99 Place: 934 Custer Avenue
Department PUBLIC WORKS Bureau: Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained bodily injuries when the vehicle in which he traveled in was driven over a metal plate that was partially covering a sanitary sewer construction site in the roadway. However, the claimant has filed a lawsuit to resolve the issues of this claim.

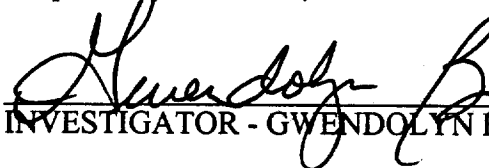
INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

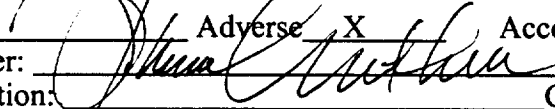
BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 09-26-01
Committee Action: Council Action

WHEELER & WATSON, P.C.

Attorneys At Law
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Atlanta, Georgia 30342

Telephone (404) 252-1022
Fax (404) 252-1047

ENTERED - 3-29-00 - SB
00L0190 - GWEN BURNS

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
AND REGULAR FIRST CLASS MAIL

March 21, 2000

The Honorable Bill Campbell
Mayor, City of Atlanta
55 Trinity Avenue
Suite 2400
Atlanta, Georgia 30335

RE: **Notice Pursuant to O.C.G.A. §36-33-5**
OUR CLIENT: Johnny Barnes
DATE OF INCIDENT: 09-25-99

Dear Mayor Campbell:

This firm and the undersigned have been retained to represent Mr. Johnny Barnes in connection with a claim for damages from an incident which occurred on September 25, 1999. This letter is also sent to notify you pursuant to O.C.G.A. §36-33-5 of this claim against the City of Atlanta. I am enclosing a copy of the motor vehicle accident report concerning the subject incident. Our initial investigation indicates that the City of Atlanta was or may have been in control of the maintenance of the area where the subject incident occurred.

As revealed in the enclosed motor vehicle accident report, this subject incident occurred when the vehicle Mr. Barnes was a passenger struck a large hole or ditch in the roadway in which he was traveling (Moreland Avenue). Our investigation indicates that the City of Atlanta was or may have been responsible for the presence of this unusually large hazardous ditch located on the roadway. If other parties are responsible for this hazard, please identify the appropriate parties.

Mr. Barnes sustained significant personal injuries as a result of this incident and received treatment at Georgia Baptist Hospital and Emory Hospital as well as ongoing treatment at Arrowhead Clinic. Mr. Barnes' total medical charges to date are \$4,898.00 specifically arising from this incident. I am enclosing the medical records from Brown Arrowhead Clinic for your review.

The Honorable Bill Campbell
Mayor, City of Atlanta
March 21, 2000
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Because of the extensive physical injuries sustained by Mr. Barnes, please consider this to be a formal demand for the sum of fifty thousand dollars (\$50,000.00) in settlement of this matter. Please note this is an offer to compromise and settle this claim and is therefore not admissible in any court proceeding resulting from this claim.

Thank you for your cooperation in this matter.

Kindest regards,

WHEELER & WATSON, P.C.



D. Kevin Wheeler

DKW/otp
Enclosure

01-R-1629